



Report Date: June 21, 2012

United States District Court

for the

Eastern District of Washington

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Jerbasio C. Brito

Case Number: 2:08CR02142-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Robert H. Whaley, Senior U.S. District Judge

Date of Original Sentence: 10/6/2009

Original Offense: Possession of a Firearm and Ammunition by a Prohibited Person,
18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 38 Months Type of Supervision: Supervised Release
TSR - 36 Months

Asst. U.S. Attorney: Thomas J. Hanlon Date Supervision Commenced: 6/5/2012

Defense Attorney: Diane E. Hehir Date Supervision Expires: 1/4/2015

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	Special Condition # 17: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
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Supporting Evidence: Mr. Brito failed to submit to a random urinalysis testing at Merit Resource Services (Merit) on June 19, 2012.

2	Special Condition # 16: You shall undergo a substance abuse evaluation and, if indicated, enter into and successfully complete an approved substance abuse treatment program, including aftercare. You shall contribute to the cost of treatment according to your ability. You shall allow full reciprocal disclosure between the supervising probation officer and treatment provider.
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Supporting Evidence: Mr. Brito has failed to attend a scheduled drug and alcohol group session at Merit on June 19, 2012.

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According to Merit staff, Mr. Brito was contacted via telephone prior to his group session on June 19, 2012, and was directed to report to Merit before the start of his group session so he could sign his treatment contract paperwork. Mr. Brito failed to report as directed and also failed to attend his scheduled group session.

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Special Condition # 17: You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Brito tested presumptive positive for cocaine and amphetamine on June 20, 2012.

According to Merit staff, on June 20, 2012, Mr. Brito came to their office to submit a urinalysis sample. The collected specimen came back presumptive positive for cocaine and amphetamine, which did not coincide with Mr. Brito's report of taking prescribed hydrocodone medication. Merit staff indicated Mr. Brito was informed he would need to advise his probation officer that his urinalysis specimen was presumptive positive. The staff member then indicated Mr. Brito got down on his knees and begged the staff member not to make this report. After Mr. Brito's request was denied, he snatched the specimen from the staff member's hand, and flushing it into the sewage system.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 06/21/2012

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☐ Other


Signature of Judicial Officer

6/22/12
Date